

AARON D. FORD
Attorney General
SAMUEL L. PEZONE JR. (Bar No. 15978)
Deputy Attorney General
State of Nevada
Office of the Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, Nevada 89101
(702) 486-4070 (phone)
(702) 486-3773 (fax)
Email: spezone@ag.nv.gov

Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STEPHEN R.F. KERN, JR.,

Plaintiff,

v.

CALVIN JOHNSON,

Defendant.

Case No. No. 2:21-cv-00467-KJD-BNW

**STIPULATION AND PROPOSED
ORDER TO EXTEND PRE-TRIAL
DEADLINES
(SECOND REQUEST)**

Plaintiff Stephen R.F. Kern, Jr., by and through counsel Akke Levin, and Defendant Calvin Johnson, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Samuel L. Pezone, Jr., Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby stipulate and agree to extend the time for discovery. There is good cause for this Court to grant an extension of discovery. LR 26-3.

I. CERTIFICATION REGARDING THE MEET AND CONFER

The parties hereby declare and certify that they met and conferred via telephone on May 1, 2024, regarding the discovery deadlines. At this meet and confer, the parties agreed to stipulate to an extension of the discovery deadlines as herein provided.

II. STATEMENT OF DISCOVERY PERFORMED

The discovery period for this matter began on August 22, 2023, pursuant to this Court's Scheduling Order, ECF No. 21. Defendant and Plaintiff have served Initial and Supplemental Disclosures. On or about January 19, 2024, Plaintiff propounded his First

Set of Requests for Production of Documents (RFPDs) in advance of the court's scheduling order, to which Defendant responded on or about February 20, 2024. On March 26, 2024, Plaintiff propounded his First Sets of Requests for Admission and Interrogatories, as well as his Second Set of RFPDs, to which Defendant responded on April 26, 2024.

III. DESCRIPTION OF DISCOVERY THAT REMAINS TO BE COMPLETED

On May 1, the parties convened to discuss the remaining discovery to be propounded in this case. Defendant's counsel indicated that he had retained an expert, but that he lacked adequate time to serve disclosures and a written report pursuant to Fed. R. Civ. P. 26 by the current deadline.

IV. STATEMENT OF GOOD CAUSE

To demonstrate good cause, the parties must show "that, even in the exercise of due diligence, [the parties were] unable to meet the timetable set forth in the order." *Cruz v. City of Anaheim*, CV1003997MMM/JEMX, 2011 WL 13214312, at *2 (C.D. Cal. Dec. 19, 2011) (citing *Zivkovic v. Southern California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992)). Prejudice to the opposing party is a factor in determining good cause, though lack of prejudice is "not a prerequisite." *Id.*

There is good cause to extend the discovery deadline. The parties have been working toward settlement and an extension of 30 days would be beneficial to that process. In addition, Defendant has retained an expert on the use of force, and additional time will allow Defendant to make an adequate disclosure. Neither party will be prejudiced by this short extension discovery. There is good cause to extend discovery.

V. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY

The Parties propose the following schedule for completion of all remaining discovery and the filing of any dispositive motions:

- Deadline for Initial Expert Disclosures will be extended to **June 3, 2024 (from May 1, 2024).**

- Deadline for Rebuttal Expert Disclosures will be extended to **June 28, 2024 (from May 31, 2024)**.
- The deadline for completion of discovery will be extended to **August 1, 2024 (from July 1, 2024)**.
- The deadline to file any dispositive motions will be extended until **September 1, 2024 (from August 1, 2024)**.
- The deadline to file a Joint Pre-Trial order will be extended until **September 30, 2024 (from August 30, 2024)**, or, if dispositive motions are filed, until thirty (30) days after the entry of any order on the dispositive motions.

VI. CONCLUSION

Based on the foregoing, good cause exists, and the parties respectfully request that this Court extend the remaining discovery deadlines an additional 30 days.

DATED this 1st day of May, 2024.

DATED this 1st day of May, 2024.

AARON D. FORD
Attorney General

/s/ Samuel L. Pezone, Jr.
SAMUEL L. PEZONE, JR. (Bar No. 15978)
Deputy Attorney General
Attorneys for Defendants

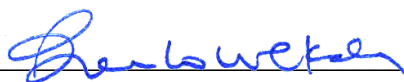
/s/ Akke Levin
AKKE LEVIN, Nevada Bar No. 9102
ELLIOT T. ANDERSON, ESQ.
Nevada Bar No. 14025
10845 Griffith Peak Drive, Suite 600
Las Vegas, NV 89135

Plaintiff, Pro Se

ORDER

IT IS SO ORDERED:

DATED: 5/2/2024


UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on May 1, 2024, I electronically filed the foregoing, **STIPULATION AND PROPOSED ORDER TO EXTEND PRE-TRIAL DEADLINES (SECOND REQUEST)**, via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically.

Akke Levin, Esq.
Greenberg Traurig LLP
10845 Griffith Peak Drive
Las Vegas, Nevada 89135
Counsel for Plaintiff

/s/Andrea Beckett
ANDREA BECKETT, An employee of the
Office of the Nevada Attorney General